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Contents

		Paragraphs	*Page*
I.	General information about the country	1–29	3
	A. Demographic, economic, social and cultural characteristics of the State	1–5	3
	B. Demographic, social and cultural characteristics	6–9	3
	C. Economic characteristics	10–12	5
	D. Constitutional, political and legal structure of the State	13–29	6
II.	General framework for the protection and promotion of human rights	30–70	8
	A. Acceptance of international human rights norms	30–37	8
	B. Legal framework for the protection of human rights at the national level	38–49	11
	C. Framework within which human rights are promoted at the national level	50–63	14
	D. Reporting process at the national level	64–70	16
III.	Information on non-discrimination and equality and effective remedies	71–100	17
	A. Non-discrimination and equality	71–76	17
	B. Vulnerable groups	77–100	18

I. General information about the country

A. Demographic, economic, social and cultural characteristics of the State

1. Located in the eastern part of western Africa, Niger is a landlocked country with a surface area of 1,267,000 km^2. Two thirds of the national territory is in the Saharan zone.

2. Niger shares borders with seven neighbours: Algeria and Libya in the north, Nigeria and Benin in the south, Chad in the east and Mali and Burkina Faso in the west.

3. The hydrographical network consists of the River Niger, the Komadugu Yobe River, Lake Chad, Lake Madarounfa and Lake Guidimouni, the Goulbi de Maradi River and numerous permanent and semi-permanent ponds. A number of factors, such as the declining flow rate of the River Niger and silting, place constraints on the development of irrigation and make it difficult to meet the water needs of people and livestock.

4. An underdeveloped country, Niger faces many natural challenges to the environment. Human activity as well as climate change have brought about a deterioration of environmental resources. Sanitation facilities are poor: in 2006, 8 per cent of households had adequate sanitation, and 11 per cent used rudimentary latrines. Sewage disposal, rainwater drainage and household waste management are a major concern.

5. Industrial wastes are discharged into rivers, the soil and the air, polluting the environment and jeopardizing social well-being. This is the case in Arlit, Akokan, Agadez, Niamey and other towns. Energy poverty and the destruction of the biodiversity of fauna and flora have an adverse impact on the country's environment.

B. Demographic, social and cultural characteristics

6. Niger has a diverse population made up of nine ethnic groups who live together harmoniously: Hausa, Djerma, Tuareg, Peulh, Arabs, Kanuri, Toubou, Gurma and Buduma. The vast majority of these ethnic linguistic communities are concentrated in the western and southern parts of the country, where the land is more fertile.

7. The annual population growth rate is 3.3 per cent.

Table 1
Demographic indicators

Indicators	*Unit*	*RGPH* 1977*	*RGPH 1988*	*EDSN† 1992*	*EDSN 1998*	*RGPH 2001*	*EDSNMICS‡ 2006*	*Projection 2010*	*Projection 2011*
Population under 15 years of age	%	44	49.5	49.6	50.6	47.6	54.1	51.9	49.2
Population 65 years of age and older	%	2.9	3.1	3.7	3.4	2.9	3.6	2.5	2.7
Crude birth rate	‰	52	53			46.1		46.01	46.01
Crude mortality rate	‰	25	19			11.6		11.06	11.06
Natural growth rate	%	2.7	3.4	3.4	3.4	3.3	3.3	3.3	3.3
Infant mortality rate	‰	200	134	123.1	123	-	81	81	81
Infant/child mortality rate	‰			318.2	274		198	198	198

Indicators	*Unit*	*RGPH* 1977*	*RGPH 1988*	*EDSN† 1992*	*EDSN 1998*	*RGPH 2001*	*EDSNMICS‡ 2006*	*Projection 2010*	*Projection 2011*
Maternal mortality rate	Per 100,000			652	-		648	554	-
Total fertility rate	children/ woman		7.5	7.4	7.5	7.2	7.1	7.1	7.1
Urbanization rate	%	13	15			16.3		20.4	21.0
Life expectancy at birth	years	41	47.7			56.9		58	58.8

* RGPH: General Population and Housing Census.

† EDSN: Demographic and health survey.

‡ EDSNMICS: Demographic and health survey/multiple indicator cluster survey.

Source: Niger en chiffre, Institut national de la statistique (Niger in figures, National Institute of Statistics) 2010, updated in 2011.

8. According to demographic projections, in 2011 Niger had a population of approximately 15,730,754. The population is mainly rural. Men account for 49.9 per cent of the population, and women 50.1 per cent.

Table 2
Population distribution (2010 projection)

Distribution by sex	*Thousands*	*%*
Men	7 595	49.9
Women	7 609	50.1
Total	**15 204**	**100.0**

Table 3
Distribution by place of residence and region

Rural (thousands)	12 099	79.6
Urban (thousands)	3 105	20.4

Source: Niger en chiffre, Institut national de la statistique (Niger in figures, National Institute of Statistics), 2010.

9. A large proportion of the population is poor. The current poverty rate is 59.5 per cent. However, progress was made between 2005 and 2008.

Table 4
Population according to poverty status and region in 2007–2008

	Poverty status		*%*
Region	*Poor*	*Not poor*	***Total***
Agadez	16.1	83.9	**100**
Diffa	18.3	81.7	**100**
Dosso	66.9	33.1	**100**
Maradi	73.4	26.6	**100**
Tahoua	57.6	42.4	**100**

Region	Poverty status		%
	Poor	*Not poor*	***Total***
Tillabéry	71.7	28.3	**100**
Zinder	53.8	46.2	**100**
Niamey	27.8	72.2	**100**
Total	**59.5**	**40.5**	**100**

Source: Annuaire statistique, Institut national de la statistique (Statistical yearbook, National Institute of Statistics), 2008.

C. Economic characteristics

10. Niger is rich in natural resources, including uranium, coal, iron, gold, phosphate and oil. With the exploitation of a fourth uranium extraction site in Imouraren, Niger is expected to become the second biggest uranium producer worldwide.

11. These resources are expected to raise the standard of living of the population. Today Niger ranks 67th out of 169 countries on the Human Development Index.

12. According to a survey conducted by the National Institute of Statistics for the period 2002–2005, poverty continues to be widespread, at 62.1 per cent. In view of this worrying situation, Niger has launched a poverty reduction strategy aimed at improving social indicators by 2012 in order to reduce the poverty rate to 42 per cent. That would improve the living conditions of the population and would put an end to the fragile balance resulting from poor economic policy choices.

Table 5
Macroeconomic data

Macroeconomic indicators	*2009*	*2010*	*2011*
Gross domestic product (GDP)			
Nominal GDP (in billions of FCFA)	2 533.4	2 809.1	3 004.4
Nominal GDP/inhabitant (in billions of FCFA)	172.4	184.8	191.0
Real GDP growth (%)	-0.7	8.2	2.1
Real GDP growth/inhabitant (%)	-4.1	4.6	-1.2
GDP distribution by sector (%)			
Primary sector	39.0	42.1	39.2
Agriculture	22.5	27.1	24.1
Animal husbandry	12.0	10.5	10.7
Forestry and fisheries	4.4	4.5	4.5
Secondary sector	15.0	14.5	14.6
Tertiary sector	38.7	35.9	37.3
Taxes on products	7.3	7.5	8.9
Other figures and indicators for the national economy			
Gross national income (in billions of FCFA)	2 515.1	2 787.8	2 990.6
Gross domestic savings rate (%)	9.9	14.4	10.0
Investment rate (%)	36.5	42.0	37.6

Macroeconomic indicators	*2009*	*2010*	*2011*
Private consumption as % of GDP	73.7	70.8	73.2
Informal economy as % of GDP	69.2	70.7	68.9
Average annual inflation (%)	4.3	0.9	2.9
Percentage change in GDP deflator	5.5	2.4	4.8
Negotiated price for a kilogram of uranium (FCFA)	55 000	55 000	70 000
Budget revenue as a % of GDP	14.4	13.7	16.8
Tax receipts as a % of GDP	13.5	12.9	16.2
Total expenditure as a % of GDP	24.1	20.8	23.9
Current expenditure as a % of GDP	9.8	11.5	14.8
Outstanding external debt as a % of GDP	23.8	21.7	23.2
Trade balance FOB/F as a % of GDP	-14.9	-13.5	-15.0
Foreign trade coverage ratio (%)	43.4	42.5	44.1
Credits to the non-governmental sector (in billions of FCFA)	310.9	350.5	418.8
Liquidity rate of the economy (%)	18.7	20.5	19.7
Velocity of circulation of money	5.4	4.9	5.1

Source: Niger en chiffre, Institut national de la statistique (Niger in figures, National Institute of Statistics), updated in 2011.

D. Constitutional, political and legal structure of the State

13. Niger gained independence on 3 August 1960. Between independence and the early 1990s the country was governed under a one-party system or by a military regime.

14. The National Conference of 1991 led to the establishment of transitional authorities: the Supreme Council of the Republic, which acted as a parliament, and a transitional government led by a designated prime minister who held real power and was responsible for organizing the general elections of 1993 to choose the first leaders democratically elected under the Third Republic.

15. This democratic process was interrupted on three occasions by the intervention of the army in the political arena (1996, 1999 and 2010).

16. In 1993, the Alliance des forces de changement (Alliance of Forces for Change) (AFC) won the presidential and legislative elections, with a majority in parliament. The collapse of that alliance led to grave political crises at the highest levels of government, which was related to the difficult coalition. The army entered the political scene, putting an end to the regime. On 12 May 1996, the Conseil de salut national (Council of National Salvation) (CSN), a governing body put into place by the army, presided over the adoption of the Constitution of the Fourth Republic. Presidential elections held in July 1996 were won by the Chairman of the CSN with the backing of a national support committee. The opposition parties, believing that the ballot was riddled with irregularities, regrouped as the Front pour la restoration et la défense de la démocratie (Front for the Restoration of Defence and Democracy) (FRDD). The opposition refused to participate in the parliamentary elections of November 1996, thereby ushering in a new phase of political instability.

17. With a view to ensuring calm, local elections were held in 1998 on a consensual basis. The results of the elections, which were won by the opposition, were nullified for the

most part by the Supreme Court, thereby causing a major political crisis. On 9 April 1999, the army once again entered the political arena to put an end to all these crises. A new Constitution was adopted by referendum on 18 July 1999. Presidential and parliamentary elections were held in October and November 1999, thus establishing the Fifth Republic.

18. To remain in power at the end of his two terms in office, the President undertook to have a new Constitution adopted introducing the Sixth Republic, which authorized him to prolong his mandate by three years, despite a ruling by the Constitutional Court to the contrary. In an attempt to legitimate his power, the President held legislative and local elections to complete the process of establishing the Sixth Republic.

19. That process was interrupted by a military coup d'état staged on 18 February 2010 by the Conseil Supérieur de la Restauration de la Démocratie (Supreme Council for the Restoration of Democracy) (CSRD), the highest body responsible for outlining and developing national policy during the transition period, which set as its objectives the restoration of democracy, the stabilization of public finances and the fight against corruption.

20. The transitional government introduced the Constitution of 25 November 2010 and held local, legislative and presidential elections.

21. The first President of the Seventh Republic was sworn in on 7 April 2011.

22. At the present time, the constitutional structures are as follows:

The executive

23. Executive power is exercised by:

- The President of the Republic, who guarantees national independence, national unity, territorial integrity, and respect for the Constitution and international treaties and agreements. He ensures the proper functioning and continuity of government;
- The Government, which is headed and overseen by a Prime Minister who coordinates its work.

The legislature

24. Legislative power is vested in a unicameral National Assembly, whose members have the title of deputy. The National Assembly enacts law, institutes taxes and exercises oversight over the work of the Government.

The judiciary

25. The judiciary is independent of the legislative and executive branches. Judicial power is vested in the Constitutional Court, the Court of Cassation, the Conseil d'Etat, the Court of Auditors and other courts and tribunals:

- The Constitutional Court has jurisdiction over constitutional and electoral matters and rules on the constitutionality of laws and ordinances as well as on the conformity of international treaties and agreements with the Constitution;
- The Court of Cassation is the highest court responsible for judicial matters;
- The Conseil d'Etat is the highest court responsible for administrative matters. It rules on abuse of power by the administrative authorities in first and last resort as well as appeals for interpretation and assessment of the legality of administrative acts;

- The Court of Auditors is the highest court responsible for the supervision of public finances. It has jurisdictional, supervisory and consultative competence;
- The High Court of Justice reports to the National Assembly and has jurisdiction to try members of Government for crimes or misdemeanours committed in the performance of or in connection with their duties.

Other bodies

26. Reference is made to the following bodies:

- The Economic, Social and Cultural Council has competence for examining draft legislation and proposals of an economic, social and cultural nature, apart from finance acts;
- The High Council for Communications is an independent administrative authority which protects and guarantees the freedom and independence of the audiovisual media and the written and electronic press in accordance with the law.

27. The judicial system draws on two sources: positive law and custom. In areas of relevance to personal status, namely marriage, divorce and inheritance, customs are widely applied by the courts. However, the Constitution provides that the law must establish rules concerning the procedure under which customs are acknowledged and brought into line with the fundamental principles of the Constitution.

Elections

28. The devolution and exercise of power is by means of elections, either direct or indirect. Suffrage is universal, free, equal and secret. In accordance with the Constitution, Niger citizens of both sexes are eligible to vote if they are 18 years of age by the date of an election or emancipated minors in possession of their civil and political rights.

Freedom of association

29. In the framework of freedom of association recognized and guaranteed by the Constitution, political parties and coalitions, trade unions, non-governmental organizations and other associations and groups of associations may be set up and may conduct their activities freely, in accordance with existing laws and regulations. Ordinance No. 84-06 of 1 March 1984 on associations provides that associations must be declared and authorized before they begin their activities.

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights norms

30. In the context of the protection and promotion of universal human rights values, Niger has signed the following international and regional legal instruments:

International level

31. Niger is a party to the following international instruments:

- The International Convention for the Suppression of the Traffic in Women of Full Age, adopted in October 1933, which Niger accepted and adopted on 25 August 1961;

- The Slavery Convention, adopted in Geneva in September 1926, to which Niger acceded on 25 August 1961;
- ILO Convention No. 29 concerning forced or compulsory labour, adopted on 28 June 1930, which Niger ratified on 12 March 1962;
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in April 1956, which Niger ratified on 22 July 1963;
- The four Geneva Conventions (1949) on international humanitarian law, to which Niger acceded on 16 August 1964;
- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, to which Niger acceded on 1 December 1964;
- The Convention on the Political Rights of Women, adopted in March 1953, to which Niger acceded on 7 December 1964;
- The Protocol amending the Slavery Convention, adopted in October 1953, which Niger accepted on 7 December 1964;
- ILO Convention No. 100 concerning equal remuneration for men and women workers for work of equal value, which Niger ratified in 1966;
- The International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965, which Niger ratified on 27 April 1967;
- The Convention against Discrimination in Education, adopted on 14 December 1960, to which Niger acceded on 16 July 1968;
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted in December 1949, which Niger ratified on 10 June 1977;
- The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted in November 1973, which Niger ratified on 28 June 1978;
- The International Covenant on Civil and Political Rights, adopted on 16 December 1966, to which Niger acceded on 7 March 1986;
- The International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966, to which Niger acceded on 7 March 1986;
- The International Convention against Apartheid in Sports, adopted in December 1985, which Niger ratified on 2 September 1986;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 20 December 1984, which Niger ratified on 5 October 1986;
- The Convention on the Rights of the Child, adopted in November 1989, which Niger ratified on 30 September 1990;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted in December 1990;
- The Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979, to which Niger acceded on 8 October 1999. Niger's initial report was considered in 2007. The second periodic report has been forwarded to the Committee on the Elimination of Discrimination against Women;

- ILO Convention No. 182 concerning the worst forms of child labour, which Niger ratified on 4 August 2000;
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which Niger ratified in 2003;
- The International Convention Against the Taking of Hostages, adopted in December 1979, which Niger ratified on 17 December 2003;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in June 2000, which Niger ratified on 14 September 2004;
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in November 2000, which Niger ratified on 29 July 2004;
- The Convention on the Rights of Persons with Disabilities and its Optional Protocol, both of which Niger ratified on 3 June 2008;
- The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, which Niger ratified on 24 December 2008;
- The Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which They Live, adopted in December 1985, which Niger ratified on 27 January 2009.

32. Niger is not party to a number of international instruments, including:

- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, has not been ratified yet;
- The International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol thereto (signature only, 2007);
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

33. Niger has ratified the Convention on the Elimination of All Forms of Discrimination against Women but has expressed reservations on five articles (2, 5, 15, 16 and 29), above all concerning:

- The taking of appropriate measures to modify or abolish existing laws and practices which constitute discrimination against women, in particular with regard to inheritance;
- The modification of social and cultural patterns of conduct of men and women;
- The right of women to choose their residence and domicile (except for unmarried women);
- The right of women to have the same rights and responsibilities during marriage and at its dissolution, the same rights to decide freely and responsibly on the number and spacing of their children, and the right to choose a family name.

34. Niger is heavily influenced by Islam, and social and cultural constraints persist; consequently, a change in mentalities requires considerable efforts. To that end, awareness campaigns are held throughout the year to bring about a change in these patterns of conduct and thus make it possible to withdraw these reservations.

Regional level

35. Niger has signed the following instruments at regional level:

(a) The Convention of the Organization of African Unity (OAU) Governing the Specific Aspects of Refugee Problems in Africa, adopted in September 1969, which Niger ratified on 21 September 1971;

(b) The Protocol of the Economic Community of West African States (ECOWAS) relating to Free Movement of Persons, Residence and Establishment, adopted in May 1979, which Niger ratified on 29 November 1979;

(c) The OAU Convention for the Elimination of Mercenarism in Africa, adopted in 1977, which Niger ratified on 19 June 1980;

(d) The African Charter on Human and Peoples' Rights, adopted on 27 June 1981, which Niger ratified on 21 July 1986;

(e) The African Charter on the Rights and Welfare of the Child, adopted in July 1990, which Niger ratified on 11 December 1992.

36. In addition to signing these regional and international legal instruments, Niger has taken legislative and regulatory measures to ensure compliance with the regional and international commitments entered into for the protection and promotion of the human rights of all citizens and foreign nationals living in the country.

37. At regional level, Niger is not party to a number of instruments, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. due to the continuing impact of social and cultural constraints.

B. Legal framework for the protection of human rights at the national level

38. The preamble to the Constitution of Niger reaffirms the commitment to the principles of pluralist democracy and human rights as defined by the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966 and the African Charter on Human and Peoples' Rights of 1981.

39. Pursuant to article 171 of the Constitution, duly ratified treaties and agreements take precedence over domestic law as soon as they are published, providing the agreement or treaty concerned is implemented by the other party.

40. The State ensures the incorporation of international human rights instruments into domestic law, either by adopting new legislation or by bringing existing legislation into line with them.

41. At institutional level, Niger has set up a number of bodies to promote and protect human rights.

Judicial mechanisms

42. In Niger, justice is rendered by 30 district courts, 10 regional courts, 2 courts of appeal, the Supreme Court and the Constitutional Court. Citizens who are victims of human rights violations may bring cases before the courts and have recourse to legal remedies.

43. There are 10 labour-relations courts, 10 juvenile courts, 10 commercial courts, 10 rural land ownership tribunals and 10 administrative tribunals, which are distributed according to the same configuration as the labour-relations courts, as well as 34 district courts which serve as juvenile courts. There are a total of 314 judges on these courts.

44. In 2011, there were 119 defence attorneys. The State has instituted a system of court-appointed lawyers (volunteers appointed by a decree issued by the Minister of Justice) to ensure the defence of persons unable to afford a lawyer.

45. At the internal level, the following extrajudicial bodies are responsible for the promotion and protection of human rights:

- The Directorate of Human Rights and Welfare: pursuant to Order No. 017MJ/GS/PPG/SG of 1 March 2012 on the organization of the central administration services of the Ministry of Justice, this body became the General Directorate for Human Rights, Judicial Protection of Juveniles and Welfare, with an enlarged mandate. The Directorate, which now has a three-pronged focus, is mandated to ensure the monitoring and implementation of policies concerning human rights and juvenile justice, to coordinate the drafting of initial and periodic reports to treaty bodies, to guarantee effective compliance with international, regional and national human rights instruments and to provide legal and judicial assistance. It also works to prevent human rights violations through information campaigns, education, investigations, the definition of judicial frameworks and coordination between public stakeholders and civil society;
- The Prison and Rehabilitation Service: pursuant to the above-mentioned Order, the Service became the General Directorate for Prison Administration and Security and Rehabilitation. It has three departments, which are responsible for monitoring the situation of human rights in prisons, devising strategies and programmes for risk prevention in prisons and elaborating and implementing rehabilitation programmes, including occupational training policies and access to employment for inmates. It also provides for training for prison staff and for the administration of prisons, ensuring proper nourishment and health care for inmates as well as other rights recognized under the decree governing prison regulations;
- The Child Welfare Service: the objective of this body, which became the General Directorate for the Protection of Children, Welfare and Humanitarian Action, is to design and implement policies, strategies, plans and programmes in the area of child protection, social welfare and humanitarian action. It also monitors compliance with the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the African Charter on the Rights and Welfare of the Child;
- The Directorate for the Advancement of Women, a service of the Ministry of Population, the Advancement of Women and the Protection of Children which has become the General Directorate for the Advancement of Women and Gender Equality, is responsible for implementing national policy for the advancement of women and gender equality and for the integration of the gender perspective into development plans and programmes. It also monitors compliance with the Convention on the Elimination of All Forms of Discrimination against Women;
- The police: Order No. 0045MI/S/D/AR/DGPN of 28 January 2011 established a Central Service for the protection of juveniles and women. The service is comprised

of a secretariat, divisions for the protection of juveniles and the protection of women, documentation and investigation divisions and special units responsible for the protection of juveniles and women at regional, departmental and communal level as well as at special police stations and border control checkpoints. These services receive and process complaints by juveniles who are victims of crimes or concerning juveniles who have committed violations of criminal law. A juveniles brigade works to detect and diagnose initial signs of delinquency among street children or children with broken family ties; to identify and combat all forms of domestic and non-domestic violence and abuse committed against children, including sexual exploitation, rape, paedophilia, child pornography, and the abduction or recruitment of children, as well as any other criminal act committed by or against a juvenile; and to monitor the placement in public or private child welfare institutions of juveniles at risk;

- Civil protection: the civil protection service, which is regulated by Order No. 086/MI/SP/D/AR of 14 February 2012 on the organization of the central services of the Ministry of the Interior, ensures the protection of persons, property and the environment in the event of man-made or natural disasters and in circumstances involving civil defence. It analyses and elaborates national civil security measures and organizes and coordinates emergency measures, and it carries out humanitarian measures for the protection of the population during a crisis or in wartime;

- The National Guard ensures the protection of public buildings, the preservation and restoration of public order, national defence, the protection of persons and their property, and the administration, management and supervision of prisons. Following reforms, it is now empowered to hear complaints of victims of human rights violations in the most remote areas of the country;

- The Educational, Preventive and Judicial Service, which was established by Order No. 08 of 30 April 2007, reports to the Ministry of Population, the Advancement of Women and the Protection of Children. Present in a number of towns around the country, it provides aid and counselling to juveniles in conflict with the law or at risk. Its role is basically preventive and educational and includes the provision of timely assistance for children at risk, educational support, social rehabilitation of juveniles and social surveys;

- The Social Assistance Unit with the courts and community support services conducts character checks at the request of judges in the course of judicial proceedings.

46. The provisions of human rights instruments may be invoked in the courts or before the administrative authorities. Niger has jurisprudence in that regard. For example, in line with the Convention on the Rights of the Child, the best interests of the child may be invoked before the judicial and administrative authorities.

Access to justice

47. Access to justice is free and without charge. The Universal Declaration of Human Rights has been incorporated into the domestic legal system and can be invoked before the domestic courts, as is regularly done with the provisions of the Convention on the Rights of the Child concerning the best interests of the child, particularly in cases involving adoption and custody.

48. Although this principle is recognized, a number of difficulties remain on account of the remoteness of the judicial system from the public, and the sheer size and isolation of certain rural areas, which are particularly difficult to access during the rainy season. Further

difficulties include lumbering judicial procedures, the inaccessibility of legal language and the high illiteracy rate.

Regional bodies recognized by Niger

49. Niger recognizes the competence of the Court of Justice of the Economic Community of West African States (ECOWAS). On 14 September 2007, Hadijatou Mani Koraou, a citizen of Niger, petitioned the Court to find that Niger had violated her rights (slavery). The Court allowed the young woman's application and ruled that Niger must pay her 10 million francs CFA in compensation. Niger complied with the ruling.

C. Framework within which human rights are promoted at the national level

National and regional parliaments and assemblies

50. Parliamentarians are empowered to promote human rights by facilitating the ratification of international treaties and by monitoring government policy through interpellations and oral questions on alleged human rights violations. They undertake parliamentary inquiries to verify violations brought to their attention, as well as mediation initiatives.

51. Information, education and awareness-raising days are organized for parliamentarians with a view to strengthening their capacities. With that in mind, the Ministry of Justice, in collaboration with its technical and financial partners, is planning, as part of the 2011 work plan, an education and awareness-raising day for parliamentarians on the topic of human rights norms.

52. Following the coup d'état of February 2010, the National Commission for Human Rights and Fundamental Freedoms was dissolved and was later replaced by the National Observatory for Human Rights and Fundamental Freedoms, the administrative body responsible for ensuring the protection and effective realization of rights and freedoms. Established on 30 March 2010 pursuant to Ordinance No. 2010-27 of 20 May 2010 as amended by Ordinance No. 2010-45 of July 2010, it began its work in September 2010. It is made up of 12 members, including 10 from civil society (the Bar Association, the Confederation of Women's Associations for the Promotion and Protection of Human Rights, the press, the law faculty, the Medical Association, the trade unions, the Federation of Organizations and Associations for the Protection of Human Rights and the Promotion of Democracy, and the Association of Traditional Leaders).

53. The Constitution provides for the establishment of a national commission to ensure the promotion and effective realization of rights and freedoms. The national commission is an independent administrative body to be set up in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The law specifies that the commission must submit an annual report on human rights to the National Assembly. Under its plan of action for the promotion of human rights (Action 2 project), the Ministry of Justice in conjunction with the United Nations Development Programme (UNDP) has set aside a section on the establishment of this body. Consultations are under way.

Dissemination of human rights instruments

54. The following awareness-raising and educational activities have been carried out in recent years:

- Training for senior personnel in all ministries on the human rights-based approach and on treaty bodies;
- Training for members of the interministerial committee on the drafting of initial and periodic reports for United Nations human rights mechanisms;
- Human rights training for defence and security forces;
- Training and awareness raising for NGOs on the universal periodic review;
- The introduction in 2006 of 16 Days of Activism (25 November–10 December) on women's rights, an initiative of the Framework for Coordination, bringing together representatives of the State, civil society and technical and financial partners;
- The "defence caravan", composed of lawyers who provide free legal services to defendants and the general public;
- The "justice caravan", composed of communicators and legal experts who participate in awareness-raising activities on the rights of women and children (open-door days in courts, debates and films).

Role of civil society, including non-governmental organizations

55. Civil society plays a leading role in the promotion and protection of human rights in Niger. With that in mind, the Government has taken a number of measures to facilitate the creation and work of NGOs. Article 8 of Ordinance No. 84-06 of 1 March 1984 on associations specifies that associations of physical persons are created by free consent, by submitting a notification and obtaining authorization, and they have legal capacity.

56. In order to encourage improved participation in political and public life, Niger has established several mechanisms for social dialogue and consultation, in particular the National Council for Political Dialogue and the National Commission for Social Dialogue, and has promoted systematic involvement in national institutions by members of civil society.

57. As of 31 December 2010, there were 1,167 NGOs and development associations in Niger.

Development cooperation and assistance

58. Although a developing country with a high poverty rate, Niger is working hard to promote and protect human rights. At international level, this cooperation can be seen in the ratification of international human rights instruments and efforts to submit reports to treaty bodies in order to create a climate for an exchange of views on challenges facing Niger in that regard. Niger is also party to a number of other conventions, including those of ILO. It receives support from the technical and financial partners present in the country, such as UNDP, the United Nations Children's Fund (UNICEF) and other United Nations specialized agencies, which carry out work in all areas, including health care, education, the environment and human rights training.

59. Since 2008, the Office of the United Nations High Commissioner for Human Rights (OHCHR), in collaboration with the United Nations Country Team in Niger, has been supporting the implementation of the Action 2 project in partnership with the Ministry of Justice, UNDP, UNICEF, the United Nations Population Fund (UNFPA), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the World Food Programme (WFP).

60. Niger also participates in international meetings, for example those in Rabat and Dakar on the universal periodic review, at which it benefits from the transfer of good practices in the promotion of human rights.

61. In 2010 a delegation from Benin visited Niger as part of an exchange of experience in the area of the protection of children in conflict with the law and access to justice for abused children.

62. With regard to the advancement of women, Niger organizes an annual African women's show which serves as a framework for focusing on the empowerment of African women.

63. As part of the promotion of children's right to leisure and culture, Niger organizes an annual meeting (*Sukabé*, or "child") for the children of the subregion.

D. Reporting process at the national level

64. As part of the preparation and submission of reports to monitoring bodies, Niger, in partnership with the United Nations Country Team in Niger, has initiated consultations with national partners and undertaken discussions on the need to set up a body to draft its country reports for treaty bodies. This approach stems from the fact that the country is quite late in complying with its international commitments.

65. Accordingly, it was decided to establish an interministerial committee as part of a participatory approach aimed at ensuring the cooperation of all State bodies.

66. In this connection, training courses for the senior personnel of ministries and institutions were held from 10 to 13 November 2009 in Niamey on mechanisms for the preparation of initial and periodic reports for treaty bodies, and an Interministerial Committee was established pursuant to Order No. 0013/MJ/DH/DDH/AS of 17 March 2010.

67. The objectives of the Committee are set out in article 3 of the Order. Its members, 25 in all, are appointed in accordance with Order No. 0031/MJ/DH/DDH/AS of 30 April 2010, and the Committee officially began its work on 12 May 2010 with an opening ceremony held by the Ministry of Justice in conjunction with the United Nations Country Team in Niger.

68. Broad-based consultations are organized with the help of regional workshops so as to involve all the regions in the process. That was the case with the preparation of the report for Niger's universal periodic review, in which local and regional personnel, NGOs and human rights organizations throughout the country participated. Niger intends to maintain and perpetuate this initiative in order to ensure the participation of departments, institutions and authorities at national, regional and local levels.

69. NGOs and associations are involved in all phases of the process:

- They are made aware and kept informed of the report during the drafting stage;
- They participate in the evaluation of the reports in national workshops;
- They are involved in monitoring the action taken to implement recommendations.

70. The reports are evaluated by national workshops before being forwarded to the Government for adoption through a decree issued by the Council of Ministers.

III. Information on non-discrimination and equality and effective remedies

A. Non-discrimination and equality

71. Party to many international human rights instruments, Niger reaffirms in its new Constitution its attachment to the principle of the rule of law. Article 8 provides that the Republic of Niger is a State of law; that it assures equality for all before the law without distinction of sex or social, racial, ethnic or religious origin; that it respects and protects all beliefs; and that no religion or belief may claim political power or interfere in the affairs of State.

72. Article 117 of the Constitution specifies that justice is rendered on the national territory in the name of the people and with strict respect for the rule of law as well as for the rights and freedoms of every citizen; and that the decisions of the courts are binding on all, both the public authorities and citizens, and may only be criticized by the means and in accordance with the procedures authorized by law. Article 118 stipulates that in the exercise of their functions, judges are independent and are subject only to the authority of the law.

73. Thus, anyone who considers that their rights have been violated may apply to the courts to obtain reparation. If the application is turned down, legal remedies are available in accordance with the law. The judicial and institutional structures put into place for that purpose offer a better framework for ensuring equality. They include:

- The police and the gendarmerie, which carry out preliminary inquiries;
- The courts: the law provides for and guarantees the principles of a fair trial, including the rights of the defence, *nullum crimen sine lege* and *nulla poena sine lege*, and the presumption of innocence. Legal remedies, in particular appeals, including on a point of law, are available if necessary.

74. Like the Commission on Human Rights, the Directorate on Human Rights and Welfare, the Directorate for the Protection of Children and the Directorate for the Advancement of Women are empowered to promote and eliminate all forms of discrimination, in particular with regard to vulnerable groups.

75. The Criminal Code incorporates provisions concerning discrimination, including the following:

- Article 102 states that any act of racial or ethnic discrimination as well as any regionalist propaganda and any manifestation contrary to freedom of conscience or freedom of worship that is likely to set persons against each other is punishable by 5 years' imprisonment and a prohibition of residence. When the purpose of the act of racial or ethnic discrimination or regionalist propaganda or the manifestation contrary to freedom of conscience or freedom of worship is the commission of a crime or offence against State security or the territorial integrity of Niger, its perpetrator or instigator is prosecuted as a co-perpetrator or an accomplice, depending on the case;
- Article 208.3 specifies that the following grave offences which, by action or omission, cause harm to the persons and property protected under the Conventions signed in Geneva on 12 August 1949 and under Additional Protocols I and II to those Conventions adopted in Geneva on 8 June 1977 are war crimes punishable in conformity with the provisions of the present chapter: practices of apartheid and

other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination.

76. To reduce economic, social and geographic disparities between rural and urban areas, the State has decided to decentralize the organization and administration of the national territory.

B. Vulnerable groups

77. The vulnerable groups to which the authorities attach particular attention include children, women and persons with disabilities.

Children

78. Article 21 of the Constitution of 25 November 2010 stipulates that the State and the public authorities have a duty to ensure the physical, mental and moral health of the family, in particular mothers and children.

79. Pursuant to article 22, the State must take measures to combat violence against women and children in public and private life.

80. Article 24 provides that the State and the public authorities must protect the country's youth against exploitation and abandonment.

81. The State ensures the material and intellectual development of young persons and promotes their training, employment and vocational integration.

82. Notwithstanding this favourable framework for the protection of children, a number of factors continue to be detrimental to the enjoyment of their rights.

83. In 2006, the proportion of children under 5 years of age whose birth had been registered was 32 per cent (25 per cent in rural areas and 75 per cent in urban areas).

84. Child labour is a reality in Niger. In 2006, the proportion of children aged 5 to 14 who worked stood at 47 per cent, as against 70 per cent in 2000. There is a significant disparity between rural areas (59 per cent of child workers) and urban areas (37 per cent). Many children are engaged in hazardous work, for example those aged 5 to 17 years who work at the gold washing sites in Komabangou and M'banga.

85. In 2006 the regional directorates of the Ministry for the Advancement of Women and the Protection of Children estimated the number of street children to be 11,042. According to the demographic and health survey/multiple indicator cluster survey (EDSN-MICS), in 2006 31 per cent of children were separated from at least one of their biological parents, as compared to 17.4 per cent in 2000. Wards of the State are entrusted to the Care Centre for Children with Family Difficulties, in Niamey. In 2008, the Centre admitted 38 children, as against 17 in 2000.

86. With respect to children in conflict with the law, in 2008 the number of minors detained in the country's 37 prisons stood at 207 (181 boys and 26 girls).

87. Early and forced marriages are a reality in Niger. According to the 2006 demographic and health survey/multiple indicator cluster survey, half of the women in the age group 25–49 had been married by the age of 15.5 years. The median age at first marriage had increased slightly from 1998, when it was 15.1 years. In 2006, the national prevalence rate of female genital mutilation/excision was 2.2 per cent, i.e. half the 1998 figure of 5.6 per cent.

Women

88. The advancement and protection of women's rights are matters of permanent concern for the public authorities. The revision of the Criminal Code in 2003 took certain women's issues into account. Sexual harassment, female genital mutilation, slavery, procuring, incitement to immorality and rape are severely punished by the law.

89. The Quota Act is a major piece of legislation on the promotion of women's rights. A code on personal status has been initiated. Its adoption continues to be the subject of debate. Two major policies contribute to the effective exercise of women's rights: the National Gender Policy adopted in 2008, and the National Policy on Social Development, which includes the advancement of women in one of its sectoral strategies.

90. Despite the existence of this legislation, violence against women persists.

91. Physical, verbal and psychological violence is difficult to assess because of the lack of official statistics. Nevertheless, ad hoc studies indicate that it is an everyday part of women's lives.

92. In addition to these forms of violence, there are other customary forms, such as repudiation and forced marriage.

93. Depending on custom, women from some ethnic groups are deprived of property, including land when an inheritance is divided up.

94. Examples of other forms of violence include the economic exploitation of women when they are deprived of certain essential property or prevented from engaging in development activities; ill-treatment of domestic workers; and trafficking.

Persons with disabilities

95. As a party to the Convention on the Rights of Persons with Disabilities, Niger guarantees the rights of such persons through articles 22 and 26 of the Constitution:

- Pursuant to article 22, the State must ensure the elimination of all forms of discrimination against women, young girls and persons with disabilities. Public policies in all areas must guarantee their full development and their participation in national development;
- Pursuant to article 26, the State must ensure equality of opportunity for persons with disabilities with a view to their advancement and/or social integration.

96. Ordinance No. 93-012 defines the minimum rules for the social protection of persons with disabilities. Pursuant to that Ordinance, two decrees were issued in 2010, one of which established the National Committee for the Advancement of Persons with Disabilities. Article 9 of Decree No. 96/456/PRN/MSP provides for 100 per cent coverage of hospitalization costs for persons with disabilities.

97. Under article 21 of the Ordinance, all public or private establishments with at least 20 employees are required to reserve 5 per cent of jobs for persons with disabilities. The implementation of this article enabled 150 graduates with disabilities to be recruited between 2007 and 2009.

98. The 2001 general population and housing census found that persons with disabilities represent 0.73 per cent of the total population (44,025 men and 36,010 women). Girls account for 45 per cent of children with disabilities. The most common disabilities are lower limb infirmity (13.37 per cent), deafness (10.61 per cent), blindness (11.47 per cent) and mental deficiency (10.23 per cent). A significant proportion of children (33.44 per cent) have more than one disability.

99. The main form of discrimination against persons with disabilities is their stigmatization by society. In some cases, they are also discriminated against in employment.

100. A project carried out under the National Policy on Social Development provided assistance to 1,350 women and 13 men with disabilities in the regions of Tillabéry, Dosso and Niamey.